

105TH CONGRESS
1ST SESSION

H. R. 2548

To curtail illegal immigration through increased enforcement of the employer sanctions provisions in the Immigration and Nationality Act and related laws.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 1997

Mr. FILNER introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To curtail illegal immigration through increased enforcement of the employer sanctions provisions in the Immigration and Nationality Act and related laws.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Eliminate the Magnet
5 for Illegal Immigration Act of 1997”.

1 **SEC. 2. INCREASE IN INS INVESTIGATORS TO ENFORCE**
2 **EMPLOYER SANCTIONS.**

3 (a) IN GENERAL.—In addition to such amounts as
4 are otherwise authorized to be appropriated, there are au-
5 thorized to be appropriated for each of the fiscal years
6 1998 and 1999 for hiring, training, salaries and expenses
7 of personnel of the Immigration and Naturalization Serv-
8 ice such amounts as may be necessary—

9 (1) to provide for an increase each year in the
10 number of investigators of such Service by 365 full-
11 time equivalent investigator positions above the
12 number of such positions authorized as of October 1,
13 1996; and

14 (2) to provide such personnel and resources as
15 are necessary to assist the additional investigators in
16 the enforcement of employer sanctions (as defined in
17 section 12(1)).

18 (b) DUTIES.—The additional investigators provided
19 for in subsection (a) shall be assigned to investigate viola-
20 tions of employer sanctions with priority given to areas
21 where there are high concentrations of unauthorized aliens
22 (as defined in section 12(4)) who are employed.

23 **SEC. 3. INCREASE IN DEPARTMENT OF LABOR INVESTIGA-**
24 **TORS TO ENFORCE LABOR STANDARDS.**

25 (a) IN GENERAL.—In addition to such amounts as
26 are otherwise authorized to be appropriated, there are au-

1 thorized to be appropriated for each of the fiscal years
2 1998 and 1999 for hiring, training, salaries, and expenses
3 of personnel of the Employment Standards Administration
4 of the Department of Labor such amounts as may be nec-
5 essary—

6 (1) to provide for an increase each year in the
7 number of investigators of such Administration by
8 300 full-time equivalent investigator positions above
9 the number of such positions authorized as of Octo-
10 ber 1, 1996; and

11 (2) to provide such support personnel and re-
12 sources as are necessary to assist the additional in-
13 vestigators in the enforcement of labor standards (as
14 defined in section 12(3)).

15 (b) DUTIES.—The additional investigators provided
16 for in subsection (a) shall be assigned to investigate viola-
17 tions of labor standards with priority given to areas where
18 there are high concentrations of unauthorized aliens who
19 are employed.

20 **SEC. 4. INCREASE IN INVESTIGATORS IN OFFICE OF SPE-**
21 **CIAL COUNSEL FOR IMMIGRATION-RELATED**
22 **UNFAIR EMPLOYMENT PRACTICES TO EN-**
23 **FORCE ANTIDISCRIMINATION PROVISIONS.**

24 (a) IN GENERAL.—In addition to such amounts as
25 are otherwise authorized to be appropriated, there are au-

1 thorized to be appropriated for each of the fiscal years
 2 1998 and 1999 for hiring, training, salaries, and expenses
 3 of personnel of the Office of Special Counsel for Immigra-
 4 tion-Related Unfair Employment Practices in the Depart-
 5 ment of Justice such amounts as may be necessary—

6 (1) to provide for an increase in the number of
 7 investigators of such Office by 50 full-time equiva-
 8 lent investigator positions above the number of such
 9 positions authorized as of October 1, 1996; and

10 (2) to provide such support personnel and re-
 11 sources as are necessary to assist the additional in-
 12 vestigators in the enforcement of immigration-relat-
 13 ed antidiscrimination provisions (as defined in sec-
 14 tion 12(2)).

15 (b) DUTIES.—The additional investigators provided
 16 for in subsection (a) shall be assigned to investigate and
 17 prosecute violations of immigration-related antidiscrimina-
 18 tion provisions.

19 **SEC. 5. SECRETARY OF LABOR AUTHORITY.**

20 (a) IN GENERAL.—Title II of the Immigration and
 21 Nationality Act is amended by adding at the end the fol-
 22 lowing new section:

23 “SECRETARY OF LABOR AUTHORITY

24 “SEC. 296. (a) SUBPOENA AUTHORITY.—The Sec-
 25 retary of Labor may issue subpoenas requiring the attend-
 26 ance and testimony of witnesses or the production of any

1 records, books, papers, or documents in connection with
2 any investigation or hearing conducted in the enforcement
3 of any immigration program for which the Secretary of
4 Labor has been delegated enforcement authority under
5 this title.

6 “(b) AUTHORITY IN HEARINGS.—In such a hearing,
7 the Secretary of Labor may administer oaths, examine
8 witnesses, and receive evidence.

9 “(c) ENFORCEMENT FOR SUBPOENAS.—In case of
10 contumacy or refusal to obey a subpoena lawfully issued
11 under this section and upon application of the Secretary
12 of Labor, an appropriate district court of the United
13 States may issue an order requiring compliance with such
14 subpoena and any failure to obey such order may be pun-
15 ished by such court as a contempt thereof.”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 of such Act is amended by inserting after the item relating
18 to section 295 the following:

“Sec. 296. Secretary of Labor authority.”.

19 **SEC. 6. JOINT TARGETED EFFORTS BY THE INS AND THE**
20 **DEPARTMENT OF LABOR TO INVESTIGATE**
21 **EMPLOYER SANCTIONS AND LABOR STAND-**
22 **ARDS.**

23 (a) IN GENERAL.—The Secretary of Labor and the
24 Attorney General shall establish, not later than 6 months
25 after the date of the enactment of this Act, programs for

1 the Immigration and Naturalization Service and Depart-
2 ment of Labor to jointly investigate violations of employer
3 sanctions and labor standards and target areas where
4 there are high concentrations of unauthorized aliens who
5 are employed.

6 (b) PERFORMANCE REVIEW.—Not later than 1 year
7 after the date the Secretary of Labor and the Attorney
8 General have established the programs referred to in sub-
9 section (a), they shall assess the programs and identify
10 the best strategies for targeting industries likely to violate
11 both employer sanctions and labor standards.

12 **SEC. 7. EMPLOYER EDUCATION.**

13 The Attorney General, in consultation with the Sec-
14 retary of Labor, the Small Business Administrator, and
15 the Commissioner of Internal Revenue, shall conduct a na-
16 tionwide program to inform employers about—

17 (1) their responsibilities concerning employer
18 sanctions, labor standards, and immigration-related
19 antidiscrimination provisions and

20 (2) the provision of this Act.

21 **SEC. 8. INCREASING CIVIL MONEY PENALTIES FOR HIRING,**
22 **RECRUITING, AND REFERRAL VIOLATIONS.**

23 (a) IN GENERAL.—Subparagraph (A) of section
24 274A(e)(4) of the Immigration and Nationality Act (8
25 U.S.C. 1324a(e)(4)) is amended—

1 (1) in clause (i), by striking “\$250 and not
2 more than \$2,000” and inserting “\$1,000 and not
3 more than \$3,000”;

4 (2) in clause (ii), by striking “\$2,000 and not
5 more than \$5,000” and inserting “\$3,000 and not
6 more than \$8,000”; and

7 (3) in clause (iii), by striking “3,000 and not
8 more than \$10,000” and inserting “\$10,000 and not
9 more than \$25,000”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 subsection (a) shall apply with respect to violations that
12 occur on or after the end of the 6-month period beginning
13 on the date of the enactment of this Act.

14 **SEC. 9. INCREASING PENALTIES FOR REPEATED OR WILL-**
15 **FUL VIOLATIONS OF LABOR STANDARDS.**

16 (a) IN GENERAL.—Section 274A(h) of the Immigra-
17 tion and Nationality Act (8 U.S.C. 1324a(h)) is amended
18 by adding at the end the following new paragraph:

19 “(4) INCREASED PENALTIES.—In the case of a
20 person or entity that has been found through a final
21 administrative determination or determination by a
22 court (which finding has not been reversed) to have
23 willfully or repeatedly violated one or more labor
24 standards with respect to an unauthorized alien who
25 is employed, each dollar amount specified in sub-

1 sections (e)(4), (e)(5), and (g)(2) shall be twice the
 2 dollar amount otherwise specified for violation occur-
 3 ring during the 10-year period beginning on the date
 4 of such determination.”.

5 (b) CONFORMING AMENDMENTS.—Section 274A of
 6 such Act (8 U.S.C. 1324a) is amended—

7 (1) in paragraphs (4)(A) and (5) of subsection
 8 (e), by inserting “(subject to subsection (h)(4))”
 9 after “in an amount”; and

10 (2) in subsection (g)(2), by striking “of
 11 \$1,000” and inserting “in an amount (subject to
 12 subsection (h)(4)) equal to \$1,000”.

13 (c) EFFECTIVE DATE.—The amendments made by
 14 this section shall apply with respect to violations of em-
 15 ployer sanctions that occur on or after the end of the 6-
 16 month period beginning on the date of the enactment of
 17 this Act, but shall not apply to violations of labor stand-
 18 ards occurring before the date of the enactment of this
 19 Act.

20 **SEC. 10. INCREASING CIVIL MONEY PENALTIES FOR UN-**
 21 **FAIR IMMIGRATION-RELATED EMPLOYMENT**
 22 **PRACTICES.**

23 (a) IN GENERAL.—Clause (iv) of section
 24 274B(g)(2)(B) of the Immigration and Nationality Act (8
 25 U.S.C. 1324b(g)(2)(B)) is amended—

1 (1) in subclause (I), by striking “\$250 and not
2 more than \$2,000” and inserting “\$1,000 and not
3 more than \$3,000”;

4 (2) in subclause (II), by striking “\$2,000 and
5 not more than \$5,000” and inserting “\$3,000 and
6 not more than \$8,000”;

7 (3) in subclause (III), by striking “3,000 and
8 not more than \$10,000” and inserting “\$10,000 and
9 not more than \$25,000”; and

10 (4) in subclause (IV), by striking “100 and not
11 more than \$1,000” and inserting “\$200 and not
12 more than \$5,000”.

13 (b) **EFFECTIVE DATE.**—The amendments made by
14 subsection (a) shall apply with respect to violations that
15 occur on or after the end of the 6-month period beginning
16 on the date of the enactment of this Act.

17 **SEC. 11. IMMIGRATION-RELATED DISCRIMINATION.**

18 (a) **STUDY.**—The Attorney General shall provide for
19 a study on the effect laws, enacted during and after 1996
20 and providing for increased enforcement of employer sanc-
21 tions, have had on discrimination in the workplace based
22 on national origin or citizenship.

23 (b) **REPORT.**—Not later than 2 years after the date
24 of the enactment of this Act, the Attorney General shall
25 submit to Congress a report on the study under subsection

- 1 (a). Such report shall include recommendations regarding
2 how such discrimination may be prevented.

3 **SEC. 12. DEFINITIONS.**

4 For purposes of this Act:

5 (1) EMPLOYER SANCTIONS.—The term “em-
6 ployer sanctions” means the requirements of section
7 274A of the Immigration and Nationality Act (8
8 U.S.C. 1324a).

9 (2) IMMIGRATION-RELATED ANTIDISCRIMINA-
10 TION PROVISIONS.—The term “immigration-related
11 antidiscrimination provisions” means the provisions
12 of section 274B of the Immigration and Nationality
13 Act (8 U.S.C. 1324b).

14 (3) LABOR STANDARDS.—The term “labor
15 standards” includes requirements of the Fair Labor
16 Standards Act of 1938 (29 U.S.C. 201 et seq.), the
17 Migrant and Seasonal Agricultural Worker Protec-
18 tion Act (29 U.S.C. 1801 et seq.), and the Family
19 and Medical Leave Act of 1993 (29 U.S.C. 2601 et.
20 seq.).

21 (4) UNAUTHORIZED ALIEN.—The term “unau-
22 thorized alien” has the meaning given such term in
23 section 274A(h)(3) of the Immigration and Nation-
24 ality Act (8 U.S.C. 1324a(h)(3)).

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